Remarks

Status of the Application

Claims 1-9, 11-23, 30-43 and 45-58 are pending with the entry of this amendment, with cancellation of claims 113 and 114 respectfully requested. Claim 1 is amended herein.

The Amendments

The amendment to claim 1 does not add new matter to the application as originally filed. The amendment finds support in the specification at, for example, paragraph [0010].

The Objections to the Drawings

The drawings stand objected to under 37 CFR 1.83(a) for allegedly not showing every feature of the invention specified in the claims. In particular, the drawings are said not to show a robot that is capable of inserting two or more sample vessels into the sample receiving regions at substantially the same time. This feature is recited in claims 113 and 114. Although Applicants do not agree with the merits of the objection, Applicants have canceled claims 113 and 114, thereby obviating this ground of objection.

The objection also states that the longitudinal axes of the non-vertical axes of the sample receiving regions should be shown and labeled. Applicants respectfully point out that the longitudinal axes are shown in the drawings (see, e.g., reference numeral 30 on Figure 2A, as discussed in paragraph [0125]).

The 35 USC § 112 Rejections

Claims 1-9, 11-23, 30-43, 45-58 and 113 stand rejected under 35 USC § 112, second paragraph, on grounds of improper antecedent basis.

Claim 1 is amended herein to delete the term "member," thereby obviating this ground of rejection. Claim 113 is canceled.

The 35 USC § 103 Rejections

Claims 1-9, 11-21, 23, 30-38, 42, 43, 45-49, 53, 54 and 56-58 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over Yoshida et al. (US Patent No. 4,708,940) in view of Jovanovich et al. (US Patent No. 6,423,536 B1), and further in view of Pang et al. (US Patent No. 6,060,022 A). Applicants have amended claim 1 to recite that the sample receiving regions are arranged in fixed non-vertical clusters. Yoshida does not describe a centrifuge in which the sample receiving regions are fixed in non-vertical clusters. In contrast, the centrifuges described in Yoshida have rotors in which the sample receiving regions swing so that they are in a vertical position when the rotors are not rotating. Jovanovich and Pang likewise teaches centrifuges in which the rotors have sample receiving regions which are in a vertical position at least when the rotor is not rotating. Therefore, the cited references do not teach or suggest all elements of Applicants' invention as claimed in amended claim 1. The remaining rejected claims depend from claim 1, so those claims are likewise not *prima facie* obvious over the cited references.

Claim 22 stands rejected under 35 USC § 103(a) as allegedly being unpatentable over Yoshida, Pang and Jovanovich, and further in view of Alam et al. (US Patent No. 5,792,050). Claim 22 ultimately depends from claim 1 which, as discussed above, is amended to recite that the sample receiving regions are arranged in fixed non-vertical clusters. None of the cited references teach or suggest an automated centrifuge system having such an arrangement of sample receiving regions. Therefore, the amendment to claim 1 renders claim 22 not *prima facie* obvious over the cited references.

Claim 41 stands rejected under 35 USC § 103(a) as allegedly being unpatentable over Yoshida, Pang, and Jovanovich, and further in view of Roginsky (US Patent No. 4,927,545). Claim 41 ultimately depends from claim 1, which is amended herein to recited that the sample receiving regions of the automated centrifuge system are arranged in fixed non-vertical clusters. The cited references do not teach or suggest an automated centrifuge system having such an arrangement of sample receiving regions, so claim 41 is not *prima facie* obvious over the references.

Claims 39 and 40 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over Yoshida, Pang and Jovanovich, and further in view of Taylor (US Patent No. 4,822,331). Claims 39 and 40 ultimately depend from claim 1, which, as amended herein, recites

that the sample receiving regions are arranged in fixed non-vertical clusters. None of the cited references teaches or suggests such an arrangement of sample receiving regions, so dependent claims 39 and 40 are not *prima facie* obvious over the cited references.

Claims 50-52 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over Yoshida, Pang and Jovanovich, and further in view of Feldman (US Patent No. 5,445,958). Claims 50-52 ultimately depend from claim 1, which, as amended herein, recites that the sample receiving regions are arranged in fixed non-vertical clusters. None of the cited references teaches or suggests such an arrangement of sample receiving regions, so dependent claims 50-52 are not *prima facie* obvious over the cited references.

Claim 113 stands rejected under 35 USC § 103(a) as allegedly being unpatentable over Yoshida in view of Roginski, and further in view of Pang. Claim 113 is canceled herein.

Claim 114 stands rejected under 35 USC § 103(a) as allegedly being unpatentable over Yoshida in view of Jovanovich. Claim 114 is canceled herein.

Conclusion

In view of the foregoing, Applicant believes all claims now pending in this Application are in condition for examination. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned attorney at 858-812-1547.

Respectfully submitted,

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